

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

**CITY OF HUNTINGTON, WEST  
VIRGINIA,**

**Plaintiff,**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et al.**

**Defendants.**

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**CASE NO. 3:17-CV-01362**

**Judge David A. Faber**

**CABELL COUNTY COMMISSION,**

**Plaintiff,**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et al.**

**Defendants.**

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**CASE NO. 3:17-CV-01665**

**Judge David A. Faber**

**DEFENDANT MCKESSON CORPORATION'S NOTICE OF SUPPLEMENTAL  
AUTHORITY IN OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL THE  
DEPOSITIONS OF JOHN H. HAMMERGREN (MCKESSON) AND STEVEN H.  
COLLIS (AMERISOURCEBERGEN)**

McKesson Corporation's Opposition to Plaintiffs' Motion to Compel the Depositions of John H. Hammergren (McKesson) and Steven H. Collis (AmerisourceBergen), ECF No. 584, filed on June 15, 2020, argued that Plaintiffs could not properly move to compel McKesson to produce its former employee for a deposition, and that the appropriate procedural vehicle for Plaintiffs to seek Mr. Hammergren's testimony was pursuant to Fed. R. Civ. P. 45. McKesson hereby provides the Court with notice that, on June 17, Plaintiffs issued a subpoena for Mr. Hammergren's testimony issued pursuant to Fed. R. Civ. P. 45. ECF No. 595. This new development is further support for McKesson's argument that the Court should not address the issue of Mr.

Hammergren's deposition on the basis of Plaintiffs' previous motion to compel McKesson to produce its former employee. ECF No. 516. Rather, the Court should await briefing on the imminent dispute between Plaintiffs and Mr. Hammergren regarding this newly served subpoena. Mr. Hammergren's counsel has agreed to accept service of that subpoena subject to reaching agreement on a schedule for briefing a motion to quash.

McKesson accordingly asks that the Court deny Plaintiffs' Motion to Compel.

Dated: June 18, 2020

**McKesson Corporation**

By Counsel:

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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on this the 18th day of June, 2020, the foregoing “Defendant McKesson Corporation’s Notice of Supplemental Authority in Opposition to Plaintiffs’ Motion to Compel Depositions of John H. Hammergren (McKesson) and Steven H. Collis (AmerisourceBergen)” was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Jeffrey M. Wakefield  
Jeffrey M. Wakefield (WVSB #3894)